IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11997 of 2005

Between:

Y.S.R.Suryanarayana Murthy, s/o Sri Pullaiah,
G.Pedepadi Post, P.Gannavaram Mandal, East Godavari District.

..... PETITIONER

AND

1 The Government of AP., rep., by its Registrar of Cooperative Societies and Commissioner for Cooperation, Gruhakalpa, Nampalli, Hyderabad.
2 The Sub Divisional Co.operative Officer-Mummadivaram and Inquiry Officer under Section 51 of the Act, Yenugupalli PACS, East Godavari District.
3 The District Cooperative Central Bank Limited, Kainada, rep., by its General Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the proceedings of the Sub Divisional Cooperative Officer, Mummidivaram and Enquiry Officer under Section 51 of Act 7 of 1964 dated 20-12-2004 is illegal, arbitrary and without jurisdiction in so far as petitioner is concerned (ii) declare the proceedings dated 29-4-2005 placing the petitioner under suspension is discriminatory and without jurisdiction and pass other order or orders in the interest of justice.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage made the following O R D E R:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in placing him under suspension by proceedings dated 29.04.2005, which is stated to be based on enquiry report under Section 51 of the A.P. Cooperative Societies Act (for short 'the Act').

The grievance of the petitioner is that the enquiry report upon which the impugned order was passed, was already stayed by this Court and subsequently, cancelled by Registrar of Cooperative Societies, including the order dated 01.05.2004 passed by the Deputy Cooperative Officer, East Godavari District, for conducting enquiry under Section 51 of the Act. In view of the cancellation of the enquiry itself, the enquiry report submitted in pursuance of the cancellation proceedings cannot be sustained. Further as a fresh enquiry has already been ordered, the impugned order of suspension is illegal and unsustainable, and therefore, the impugned order is set aside.

Accordingly, the writ petition is allowed. No costs.

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10.06.2005

usd

To

1. The Registrar of Cooperative Societies and Commissioner for Cooperation, Government of A.P., Gruha Kalpa, Nampalli, Hyderabad.

2. The Sub Divisional Cooperative Officer-Mummadivaram and Inquiry officer under Section 51 of the Act, Yenugupalli PACS, East Godavari District.

3. The District Cooperative Central Bank Limited, rep.by its General Manager, Kakinada.

4. Two CCS to G.P. for Cooperation, High Court of A.P., Hyderabad (OUT).

5 Two CD copies.